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# BOB JAUCH

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## WISCONSIN STATE SENATOR

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### **Statement by Senator Bob Jauch regarding Senate Bill 278**

Senator Tiffany and Senator Grothman's bill to provide a exclusive sweetheart deal to allow the mining company to restrict access to citizen recreational use of 4,000 acres of managed forest land in northern Wisconsin is an assault on Wisconsin's outdoor traditions and values. The Legislation is unfair, unjustified and unnecessary.

The managed forest law is a generous tax relief program that was created in 1985 to encourage timber production and provide more recreation space for outdoor enthusiasts. Under the program owners can close up to 160 acres of land and pay a fee. If they close more than that they must withdraw from the program and pay back taxes. Under the bill only the mining company is given the exclusive right to close 4,000 acres of land and not be required to pay back taxes.

There are approximately 30,000 Wisconsin landowners who play by the rules. Playing by the rules would mean that the company would have to pay approximately \$500,000. Sadly, this company is seeking privileged status and can violate their contract because somehow they are more important than any other citizen.

Maybe the owner can get away with this kind of dominance in West Virginia but Wisconsin should reject this bad idea.

Calling the closure of 4,000 acres modest, Senator Tiffany demonstrates a complete lack of connection with reality. Forty acres might be modest but 4,000 acres by any rationale and reasonable standard is excessive and unjustified.

Senator Tiffany believes that this legislation is a narrow response to what he claims is an almost Al Queda threat to northern Wisconsin. Punishing hundreds if not thousands of citizens by restricting their access to thousands of acres of land because of the obscene behavior of a group of a few misfits is the equivalent of applying a nuclear option in response to a fist fight.

I won't get into a debate about the behavior of that group other than to say that their actions were immature, irresponsible, and illegal and at least one individual is being held accountable in a court of law.

Senator Tiffany is right when he says the bill is narrow. It is narrow because it applies to one company in the State of Wisconsin and will create preferential treatment for one MFL property owner who apparently believes that it is better than the other 30,000 Wisconsin property owners who follow the rules.

It is unfair to property taxpayers who were assured that when the property was taken out of MFL that they would be sent a check for the back taxes.

My colleagues argue that closing 4,000 acres of land is necessary to protect the workers who are working on bulk sampling and other drilling sites that may cover up to 50 acres. That is excessive closure of land used for hunting, fishing and other recreational purposes that is nowhere near the bulk sampling or any potential new drill site.

The bill is extreme and the closure is excessive and unnecessary because there is a more responsible alternative.

Weeks ago Senator's Cullen, Schultz and I offered a bi-partisan common sense plan that would create a defensible public safety zone around bulk sampling and drilling locations to protect workers and the public. It would require a football field separation from the five bulk sampling sites and a 50 foot safety zone away from a drill site. If explosives would be used, a separate safety zone could be determined by the permitting agencies.

Since offering this plan our offices have maintained bi-partisan conversations with agency personnel and other colleagues to find common ground.

Where do we agree? We agree that there should be a safety zone separating workers and the public. We agree that the current law allows for such a safety zone for logging activity on Managed Forest law and it is a good precedent.

As public officials we ought to agree that our first responsibility is to protect the Wisconsin public interest. Unfortunately, Senator Tiffany wants to protect the sole out of state corporate interest.

We ought to respect the consensus process between sports groups, woodland property owners and others which led to the adoption of the law in 1985 and legislative changes in 2003.

We ought to agree that our job is to protect the integrity of the managed forest law. Unfortunately, Senator Tiffany is protecting the selfish interests of one at the expense of the rest of the citizens of Wisconsin.

We ought to agree that this company should follow the same rules as any other property owner who wishes to violate their contract but this mining company acts as though they are better than any other Wisconsin citizen.

Senator Tiffany has stated that the mining company has worked all summer to "find a solution." He did. He found a good solution for the mining company but one that shortchanges taxpayers and weakens the integrity of the program.

In fact, not only does his bill provide preferential treatment to this one land owner, the ferrous mining company, he weakens the ability for the DNR to have any authority to assure public access.

The bill gives the sole authority to this West Virginia coal company to determine what is open and when it is open. It relegates our natural resources regulatory agency to be advisory in regard to the ultimate decision on closing land for recreational use. How outrageous is it that once again the Legislature is about to give the keys of public policy to a sole corporate interest?

Wisconsin is open for business all right, because of the red light on top of the Capitol.

If the bill isn't bad enough the manner in which Senator Tiffany has introduced the bill and scheduled a hearing and a quick vote is an obscene gesture to the public and an embarrassment to what is supposed to be a democratic institution.

Furthermore, by waiting until late Friday afternoon of Labor Day weekend to release the bill and schedule a hearing a few days later he is limiting the public's ability to influence the bill.

To add insult to injury Senator Tiffany scheduled a committee vote less than 24 hours after the hearing. The fact that the Senate doesn't meet until two weeks later leaves a defensible observation that the hearing is a hoax.

The legislation has nothing to do with mining or job creation. It is simply a brazen act of selfishness by one out of state company whose owner continually demonstrates insensitivity to the neighboring communities and is too cheap to pay his responsible share like any other citizen in the managed forest land.

It is time for this Legislature to quit letting this West Virginia coal company to run roughshod over Wisconsin public policy.

This company is no better nor is it more important than the other 30,000 property owners who respect and follow the law. The next two weeks will really determine whether the Legislature will respect the wishes and will of Wisconsin citizens or cave to a corporate interest that seems to think that it is better than any other citizen in Wisconsin.